



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 28 2019

REPLY TO THE ATTENTION OF

CERTIFIED MAIL 7017 3380 0000 7283 2366
RETURN RECEIPT REQUESTED

Mr. Benjamin M. Kohlbeck, CSP
Environmental, Health & Safety Manager
Bemis Wisconsin, LLC
718 High Street
New London, Wisconsin 54961

Re: Notice of Intent to File a Civil Administrative Complaint Against
Bemis Wisconsin, LLC
EPA I.D. No.: WID006144737

Dear Mr. Kohlbeck:

The U.S. Environmental Protection Agency plans to file an administrative complaint for civil penalties against Bemis Wisconsin, LLC (you). In the complaint, EPA will allege that you violated the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 -- 6992k, as amended, as described in the enclosed Notice of Violation previously issued to you on December 20, 2017. RCRA provides a cradle-to-grave framework to ensure proper management of hazardous wastes which, if handled in an unsafe manner, could present risks to humans and the environment. In addition, this letter informs you that EPA deems Bemis Wisconsin, LLC, to be a Significant Non-Complier under RCRA.

Based on information currently available to us, we plan to propose a penalty of \$47,619 in the complaint. This letter is not a demand to pay a penalty. We will not ask you to pay a penalty until we file the complaint or a final order. Before filing the complaint, we are giving you the opportunity to present any information that you believe we should consider. Relevant information might include evidence that you did not violate the law; evidence that you relied on compliance assistance from EPA or a state agency; evidence that we identified the wrong party; or financial data bearing on your ability to pay a penalty.

If you believe that you will be unable to pay a \$47,619 penalty because of financial reasons, please send us certified, complete financial statements including balance sheets, income statements and all notes to the financial statements, and your company's signed income tax returns with all schedules and amendments, for the past three years. Also, please complete the enclosed Form 4506-T authorizing the Internal Revenue Service to release transcripts of your tax returns for the same past three years.

You may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If you fail to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it.

We may use any information you submit in support of an administrative, civil, or criminal action.

Within 30 calendar days after you receive this letter, please send any written response to:

Bryan Gangwisch
Environmental Scientist (ECR-17J)
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

If you want to confer with us, please request a conference as part of your written response. Please be advised that this conference is not a settlement negotiation covered by Federal Rule of Evidence 408. After the conference, we may give you the opportunity to engage in settlement negotiations before we file the complaint.

As part of settlement negotiations, you may submit to EPA for approval a proposal to undertake a voluntary, Supplemental Environmental Project (SEP) related to the alleged violation(s). A SEP is one factor that EPA considers in determining an appropriate settlement penalty. SEPs further EPA's goal of protecting and enhancing public health and the environment. Please visit the following EPA web page for more information about SEPs:

<http://www2.epa.gov/enforcement/supplemental-environmental-projects-seps>.

If you do not respond to this letter, EPA may file a complaint without further notice against Bemis Wisconsin, LLC, as authorized under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

If you have any questions, please telephone Luis Oviedo, Associate Regional Counsel, at (312) 353-9538.

Thank you for your prompt attention to this matter.

Sincerely,



Mardi Klevs
Chief, Land and Chemicals Enforcement and Compliance Assurance Branch

Enclosures

cc: Shari Klika, Bemis, SKKlika@Bemis.com
David Pott, Bemis, david.pott@bemis.com
Jennifer Easterly, WI DNR, jennifer.easterly@wisconsin.gov
Michael Ellenbecker, WI DNR, michael.ellenbecker@wisconsin.gov